



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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**Date:** January 24, 2020  
**To:** Interested Person  
**From:** Megan Sita Walker, Land Use Services  
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**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

***CASE FILE NUMBER: LU 19-182453 DZM – NEW 4-STORY MIXED-USE BUILDING***

**GENERAL INFORMATION**

**Applicant:** Andrew Schilling | William Kaven Architecture  
4075 N Williams Ave, #440  
Portland, OR 97227  
(503) 841-5439

**Owners:** Marcia Garland & David Moeser  
7464 SW 48th Ave  
Portland, OR 97219

**Developer:** Vic Remmers | VWR Development LLC  
3300 NW Yeon Ave Suite 100  
Portland, OR 97210

**Site Address:** 2933 SE DIVISION ST

**Legal Description:** BLOCK 1 LOT 1 EXC PT IN ST, LINNWOOD  
**Tax Account No.:** R502000010  
**State ID No.:** 1S1E01CD 09500  
**Quarter Section:** 3233

**Neighborhood:** Richmond, contact Heather Flint Chatto at [richmond.pdx.lutc@gmail.com](mailto:richmond.pdx.lutc@gmail.com)

**Business District:** Division-Clinton Business Association, contact at [info@divisionclinton.com](mailto:info@divisionclinton.com)

**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.

**Plan District:** Division Street

**Zoning:** CM2(MU-U)d – Commercial/ Mixed-Use 2 with the Design Overlay

**Case Type:** DZM – Design Review with Modifications  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:**

The applicant is seeking Design Review approval for a new eighteen (18) unit, 4-story mixed-use building located on a 3,500SF lot on the north side of the street at the corner of SE Division Street and SE 30<sup>th</sup> Avenue. The proposed ground floor programming consists of retail along SE Division and at the corner, and access to the residential lobby and one ground floor residential unit off of SE 30<sup>th</sup> Avenue. Access to a second ground floor residential unit is provided via a pedestrian path to the north off of SE 30<sup>th</sup>. The proposal includes a roof top terrace at the 3<sup>rd</sup> Floor at the northern edge of the building and an eco-roof with mechanical units at the roof level. The primary building materials include board-formed concrete, aluminum storefront and entry doors, and painted steel canopies on the ground floor with “Cembrit Solid” fiber cement cladding and vinyl windows on upper story elevations.

Three (3) **Modifications** are requested as follows:

**Modification 1** – Request to modify Transit Street Main Entrance, PZC, 33.130.242.C to allow the residential lobby entrance to be accessed from SE 30<sup>th</sup> Avenue and not be within 25’ or face SE Division Street (the Transit Street).

**Modification 2** – Request to modify Pedestrian Standards, PZC, 33.130.240.B.2.a to reduce the width of the pedestrian circulation path at the north and east of the property from 6’ to 4’.

**Modification 3** – Request to modify Long-Term Bicycle Parking Spacing, PZC, 33.266.220.C.3.b to reduce the spacing of long-term bicycle parking from the required 24” to 18”.

Design review is necessary because the project proposes new development within a design overlay zone.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant criteria are:

- *Community Design Guidelines*
- *33.825.040 Modifications That Will Better Meet Design Review Requirements*

## ANALYSIS

**Site and Vicinity:** The project site is a 3,500 SF lot with approximately 35 feet of south facing frontage along SE Division Street and approximately 100 feet of east facing frontage along SE 30<sup>th</sup> Avenue. The site currently includes a 2,490 SF duplex constructed in 1890. The subject site is immediately east of a recently approved 3-story mixed-use apartment building with the same design team and ownership (LU 19-188597 DZM).

The site is located on SE Division within the Richmond Neighborhood boundary, and a block away from the Hosford-Abernethy Neighborhood District (HAND) association. The physical character of SE Division Street has changed tremendously over time, beginning with the more pedestrian oriented street-car era commercial street of the turn of the century. Division hosts a diverse array of retail, housing, and industrial uses. The site is located within The Division Green Street/Main Street Project study area, a collaborative effort between the City of Portland and the community to improve the livability and economic vitality of the SE Division Street corridor. Focusing on the area between SE 11<sup>th</sup> and SE Goth, the plan contains goals, objectives, and implementation strategies to create a pedestrian friendly commercial district that reflects and reinforces community values, including a focus on sustainable and "green" development. The Plan calls for medium density infill development that is pedestrian oriented and serves as a positive contribution to neighborhood context. SE Division is also classified as a Neighborhood Corridor in the Urban Design Framework. Neighborhood Corridors are smaller

and more common than civic corridors, featuring smaller buildings, good bus service and active intersections. New development along neighborhood corridors is typically adjacent to the main street and does not extend out multiple blocks from the main artery.

Portland's Transportation System Plan classifies SE Division as a City Walkway, Major Transit Priority Street, City Bikeway, and a Neighborhood Collector Street. SE 28th Place is classified as a City Bikeway.

**Zoning:** The Commercial/Mixed Use 2 zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed-use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Division Street Plan District promotes development that fosters a pedestrian- and transit-oriented main street. The plan district provisions ensure that development:

- Activates Division Street corners and enhances the pedestrian environment; and
- Is constructed with high quality materials in combinations that are visually interesting.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **November 26, 2019**. The following Bureaus have ultimately responded with no issues or concerns:

1. Bureau of Environmental Services
  - a. Original response; and
  - b. Addendum
2. Bureau of Transportation Engineering
3. Water Bureau
4. Fire Bureau
5. Life Safety Division of BDS
6. Site Development Section of BDS

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on November 26, 2019. A total of three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Chris Eykamp, on December 12, 2019, wrote in in opposition of the proposed three Modifications (to reduce bicycle parking spacing, have the residential entry not face SE Division, and to reduce the pedestrian path width). See Exhibit F-1 for additional information.
2. Doug Klotz, on December 15, 2019, wrote in in support of the proposal and the three requested modification(s). See Exhibit F-2 for additional information.
3. Jon Adams, on December 17, 2019, wrote in in opposition of the proposed three Modifications (to reduce bicycle parking spacing, have the residential entry not face SE Division, and to reduce the pedestrian path width) in addition to concerns with congestion and a lack of loading. See Exhibit F-3 for additional information.

*Staff Response:* The comments in opposition to the proposal cited concerns with the proposed modifications and concerns with congestions and lack of an on-site loading/unloading zone. Design Review is limited to addressing issues directly related to the approval criteria, which are the Community Design Guidelines and 33.825.040. Specifically, design review is limited to exterior, on-site issues and that discretionary design review does not have purview over loading that is more than required by Title 33, Portland's Zoning Code. For this site, there is no parking or loading is required per Title 33, Portland's Zoning Code due to the number of units and the proximity to frequent transit, and the square footages of uses. The Staff response to issues related to the approval criteria, including the three Modifications proposed to the location of the residential entry on SE 30<sup>th</sup>, the bicycle parking spacing, and the width of the pedestrian path for the one rear unit, can be found in the findings below.

## ZONING CODE APPROVAL CRITERIA

### (1) Chapter 33.825 Design Review

#### Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

#### Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

**Findings:** The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Community Design Guidelines.

#### Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

*Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project. Additionally, findings have been organized under three tenets, "Context", "Public Realm", and "Quality and Permanence".*

**P1. Plan Area Character.** Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.  
**D7. Blending into the neighborhood.** Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

**Findings for P1 and D7:** The following aspects of the proposal successfully address these guidelines:

- The building achieves a strong street orientation with a prominent retail space for the entire site frontage along SE Division and wraps the corner on SE 30<sup>th</sup>, supporting the commercial character along SE Division Street.

- In addition to prioritizing the commercial space frontage to SE Division, and the corner of SE 30<sup>th</sup> and SE Division, the limited frontage of building services and the orientation of the more private residential lobby entrance to the lower classification street, serve to differentiate the retail entry from the residential entrance. This orientation supports the commercial character of SE Division by prioritizing the placement of more public, activated uses to the higher classification street. The prioritization of a publicly accessible use along the frontage will help contribute to a vibrant urban streetscape in the immediate area.
- The delineation of base and top, combined with simple massing and a restrained yet high quality material palette, reference the simple forms and elegant materials of streetcar era commercial buildings in the area.
- The building expresses a prominent base with concrete piers that extend down to frame the storefront bays. The street level storefronts are further punctuated with painted steel canopies, reinforcing the pattern of active uses along street frontages and contributing to the overall pedestrian friendly character of the area.
- At four stories, with a step-down to three stories along the north property line abutting residential zone properties, the height of the proposed project is at a scale appropriate to both the commercial and residential developments along SE Division.
- The detailing of quality materials, such as the concrete base and well detailed fiber cement cladding with integral color and sufficient thickness (5/16” minimum), along with the deep inset of the windows into the wall plane, incorporates elements/ detailing of nearby, quality buildings and provides a sense of scale and texture that responds to the richness of the material palette of the area.

*These criteria are therefore met.*

### **Public Realm**

**E1. The Pedestrian Network.** Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

**E2. Stopping Places.** New large-scale projects should provide comfortable places along pedestrian circulation routes where people may stop, visit, meet, and rest.

**E3. The Sidewalk Level of Buildings.** Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places, and differentiating street level facades.

**E5. Light, Wind, and Rain.** Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

**D1. Outdoor Areas.** When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians.

**D2. Main Entrances.** Make the main entrances to houses and buildings prominent, interesting, pedestrian accessible, and transit-oriented.

**D3. Landscape Features.** Enhance site and building design through appropriate placement, scale, and variety of landscape features.

**Findings for E1, E2, E3, E4, E5, D1, and D3:** The proposal enhances the vicinity’s pedestrian network as follows:

- The large areas of storefront at the street edge along SE Division, wrapping the corner of the north frontage along SE 30<sup>th</sup>, the generous canopies, and the concrete base that serve to bracket the retail and lobby entrances create a strong sense of enclosure at the street edge while supporting the visual interest of the building as it meets the pedestrian realm. Specifically, the large openings with glazing into active spaces will allow for direct building-to-street activation to enhance the pedestrian realm.

- The additional recesses at the retail entry on SE Division and residential lobby entry on SE 30<sup>th</sup> further highlight points of entry while not diminishing the sense of enclosure.
- The continuous canopies and detailing of the board-formed cast in place concrete base and storefront systems helps define a pedestrian scale at the sidewalk level of the building while providing ample pedestrian weather protection.
- The residential upper floors of the building are differentiated from the active ground floor through shifts in material, and changes and scale of openings; creating a strong sidewalk level of the building which differentiates the street-level facade.
- At ground level, at the north end of the eastern frontage along SE 30<sup>th</sup>, the installation of planting along the base of the building helps to soften the material palette, adds interest to a quieter public realm, and signifies the change to a more private ground floor entry unit fronting a more residential street. Further north, the placement of a gate serves as an entry to the one residential unit with frontage off of the north pedestrian path. In this location as well, additional plantings are used to help soften the transition to more private uses and serve to mediate the transition from the subject development to residential development to the north.

*These criteria are therefore met.*

**D4. Parking Areas and Garages.** Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

**Findings:** No minimum parking or loading is required for this site and no parking or loading is proposed.

*This criterion is therefore not applicable.*

**D5. Crime Prevention.** Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

**Findings:** The following building and site design attributes will serve to minimize the potential for crime:

- The proposal will create a well-lit sidewalk for pedestrians, creating a safe and activated environment along the two street edges of the site with recessed building entries facing the respective streets with pedestrian scaled lighting. Additionally, the large areas of glass at the base of the building that will be lit from within, allow for additional illumination and opportunities to see and be seen at the pedestrian realm.

*This criterion is therefore met.*

### **Quality and Permanence**

**D8. Interest, Quality, and Composition.** All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

**Findings:** The proposal achieves a cohesive composition of quality materials and interesting features as follows:

- The application of materials is coordinated to provide a coherent composition while providing texture and detailing that defer to the character of the area. On exposed facades, board-formed cast in place concrete is consistently employed at the base with well detailed fiber cement cladding with integral color, “Cembrit solid” on upper stories. On non-street facing facades, and end walls, the “Cembrit solid” is continued.

- The base of the building is clearly articulated with board-formed cast in place concrete and recessed aluminum storefront systems with clear glazing that support a strong commercial orientation along SE Division and SE 30<sup>th</sup> while expressing texture and durability.
- On the upper stories, the change in fenestration pattern reflects the shift to a more residential scale which is further accentuated with the integration of full balconies along SE 30<sup>th</sup>. This change in scale maintains alignment with elements at the base of the building which serves to form a cohesive composition.
- A strong relationship of solid to void is expressed which add visual interest and depth to the facade. On upper stories, this relationship is expressed with recessed vinyl windows set within punched openings with well detailed fiber cement cladding with integral color. At the ground floor this relationship is maintained with recessed aluminum storefront set into the concrete at the base of the building.

*This criterion is therefore met.*

## **(2) MODIFICATION REQUESTS (33.825)**

### **33.825.040 Modifications That Will Better Meet Design Review Requirements:**

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. **Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

**Modification #1:** PZC, 33.130.242.C Transit Street Main Entrance - to allow the residential lobby entrance to be accessed from SE 30<sup>th</sup> Avenue and not be within 25' or face SE Division Street (the Transit Street). (I added a return here)

*Purpose Statement for 33.130.242:* “Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.”

*Standard:* 33.130.242.C Location. For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor, and one main entrance to a multi-dwelling structure must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:

1. Be within 25 feet of the transit street;
2. Allow pedestrians to both enter and exit the building; and
3. Meet one of the following:
  - a. Face the transit street;
  - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 130-13; or
  - c. If it is an entrance to a multi-dwelling structure:

- (1) Face a courtyard at least 15 feet in width that is adjacent to the transit street and that is landscaped to at least the L1 level, or hard-surfaced for use by pedestrians; and
- (2) Be within 50 feet of the transit street.

**A. *Better meets design guidelines.*** *The resulting development will better meet the applicable design guidelines; and*

**Findings:** The site fronts onto SE Division Street (a Transit Street) and SE 30<sup>th</sup> Avenue (a Local Service Street) and the building includes both higher intensity/ more public facing retail uses and lower intensity/ private residential uses. The transit street frontage for the site is only 35' which is narrower than the more typical 50' parcel in this area. By prioritizing the commercial frontage to the entire SE Division frontage, extending up to wrap the corner of SE 30<sup>th</sup> and SE Division, and thus orienting the more private residential lobby entrance to the lower classification street along SE 30<sup>th</sup>, serves to support the commercial character of SE Division. With the residential lobby located along SE 30<sup>th</sup>, 43' from SE Division, the proposal as designed prioritizes the placement of more public, activated uses to the higher classification street, which will help contribute to a vibrant urban streetscape in the immediate area, better meeting Guidelines P1 *Plan Area Character*, and D7 *Blending into the Neighborhood*.

**B. *Purpose of the standard.*** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings:** The placement of the more private residential entry on the lower classification street, SE 30<sup>th</sup>, 43 feet away from SE Division allows the entire SE Division frontage and the corner of SE Division and SE 30<sup>th</sup> to serve as active retail frontage. In the Division Street Plan District pedestrian standards, the placement of retail entries along transit streets is prioritized. As designed, the proposal to locate the main – public facing – retail entrance on SE Division (the Transit Street), and the main – semi-private – residential entrance on SE 30<sup>th</sup> (the lower classification street) continues to provide convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit. Additionally, the proposal as designed is consistent with the intent of the more specific Plan District Standards.

*Therefore, the Modification merits approval.*

**Modification #2:** 33.130.240.B.2.a Pedestrian Standards - to reduce the width of the pedestrian circulation path at the north and east of the property from 6' to 4'.

*Purpose Statement for 33.130.240 Pedestrian Standards:* “The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.”

*Standard: 33.130.240.B.2.a:* “The circulation system must be hard-surfaced and be at least 6 feet wide.”

**A. *Better meets design guidelines.*** *The resulting development will better meet the applicable design guidelines; and*

**Findings:** The north wall of the building is set back a minimum of 10' from the shared north property line. The subject pedestrian circulation path is designed to serve as access the one northernmost unit on ground floor and with the proposed gate will only be utilized by this single unit. As designed, the path width reduction better meets Guidelines: D1 - *Outdoor Areas* and D3 - *Landscape Features*, which encourage usable outdoor areas,

designed to be accessible, pleasant, and safe with an additional 1' foot of landscaping provided to buffer this single unit path from neighboring residential properties to the north. Further, it helps to connect outdoor areas to the circulation system used by pedestrians and enhances site design through appropriate placement, scale, and variety of landscape features. Groundcover planting is interspersed with small trees along the property line to create a more interesting landscaped edge. The width of the planting area is necessary for the viability of small trees which will serve to bring more interest to shared property line.

**B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings:** The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. This standard for a 6' pedestrian circulation path is triggered for this ground floor unit as a result of the proposal including retail space. If the proposal included only residential units, all pedestrian circulation – despite the number of units being served by the path – would be required to be 3' wide. As described above, the subject pathway will only serve a single ground floor unit and provide enough width for comfortable circulation through the site. The surface features concrete paving and integrated pedestrian lighting. The width maintains a minimum 4' clear movement zone while facilitating customization for the occupants.

The standard is also intended to ensure a direct pedestrian connection between the abutting streets. As designed, the proposed path continues to support a direct pedestrian connection between the one ground floor unit located setback from the north property line, and the abutting frontage along SE 30<sup>th</sup> Avenue. The path also continues to connect this semi-private pathway to areas of more activity, meeting the purpose of the standard.

*Therefore, this Modification merits approval.*

**Modification #3:** 33.266.220.C.3 Standards for all bicycles – to reduce the spacing of required long-term bicycle parking spaces located adjacent to the lobby on the first floor from the required 2'-0" to 1'-6".

*Purpose Statement for 33.266.130.C:* "These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage."

*Standard:* 33.266.C.3 Bicycle racks. The Office of Transportation maintains a handbook of racks and citing guidelines that meet the standards of this paragraph. Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks must meet the following standards:

- a. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle;
- b. A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. See Figure 266-11; and
- c. The rack must be securely anchored.

**A. Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*

**Findings:** By reducing the width of the bike parking, the applicant has the option of reducing the total amount of square footage devoted to bike parking or providing additional spaces to better meet bike parking demand. Guideline D-4 *Parking Area and Garages* is better met by the reduced width, as it allows for accommodation for the bicycle parking spaces while integrating these spaces to support active frontages along SE Division Street and SE 30<sup>th</sup> Avenue.

**B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings:** With the reduction in width, the applicant will be able to accommodate a greater number of long-term bike parking spaces and ensure that demand for bike parking spaces is met. The purpose of the standard is met in that many of the bicycles will be stored privately within the units and the placement of the racks will allow for a vertical stagger which will provide extra space for bicycles with handle bars that are not aligned. Staff understands that the current proposal is not subject to the updated bicycle parking regulations, adopted as amended by City Council per Ordinance No. 189784, effective March 1, 2020. However, staff does note that in the amendments made to the bicycle parking requirements, adopted by City Council, the 1'-6" on center with a vertical stagger, currently proposed, would meet the new standard which requires vertical racks to be spaced a minimum of 1'-5" with a 8" stagger.

*Therefore, the Modification merits approval.*

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review, prior to the approval of a building or zoning permit. Staff notes that on Appendix sheet 'App. 15', the width of the bike parking aisle is noted as 4'-9 5/8" and that the design will need to show a minimum 5' aisle.

## **CONCLUSIONS**

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal as designed meets the Design Guidelines and Modification approval criteria, and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

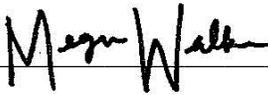
Approval of Design Review with three (3) Modifications for a new eighteen (18) unit, 4-story mixed-use building located on a 3,500SF lot on the north side of the street at the corner of SE Division Street and SE 30th Avenue. The proposed ground floor programming consists of retail along SE Division and at the corner, and access to the residential lobby and one ground floor residential unit off of SE 30th Avenue. Access to a second ground floor residential unit is provided via a pedestrian path to the north off of SE 30th. The proposal includes a roof top terrace at the 3rd Floor at the northern edge of the building and an eco-roof with mechanical units at the roof level. The primary building materials include board-formed concrete, aluminum storefront and entry doors, and painted steel canopies on the ground floor with "Cembrit Solid" fiber cement cladding and vinyl windows on upper story elevations.

Approvals per Exhibits C-1-C-51, signed, stamped, and dated January 22, 2020, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 19-182453 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

**Staff Planner: Megan Sita Walker**

Decision rendered by:  on January 22, 2020  
By authority of the Director of the Bureau of Development Services

**Decision mailed: January 24, 2020**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on June 21, 2019 and was determined to be complete on November 19, 2019.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on June 21, 2019.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: March 18, 2020.**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on February 7, 2020** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday

through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **February 7, 2020** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

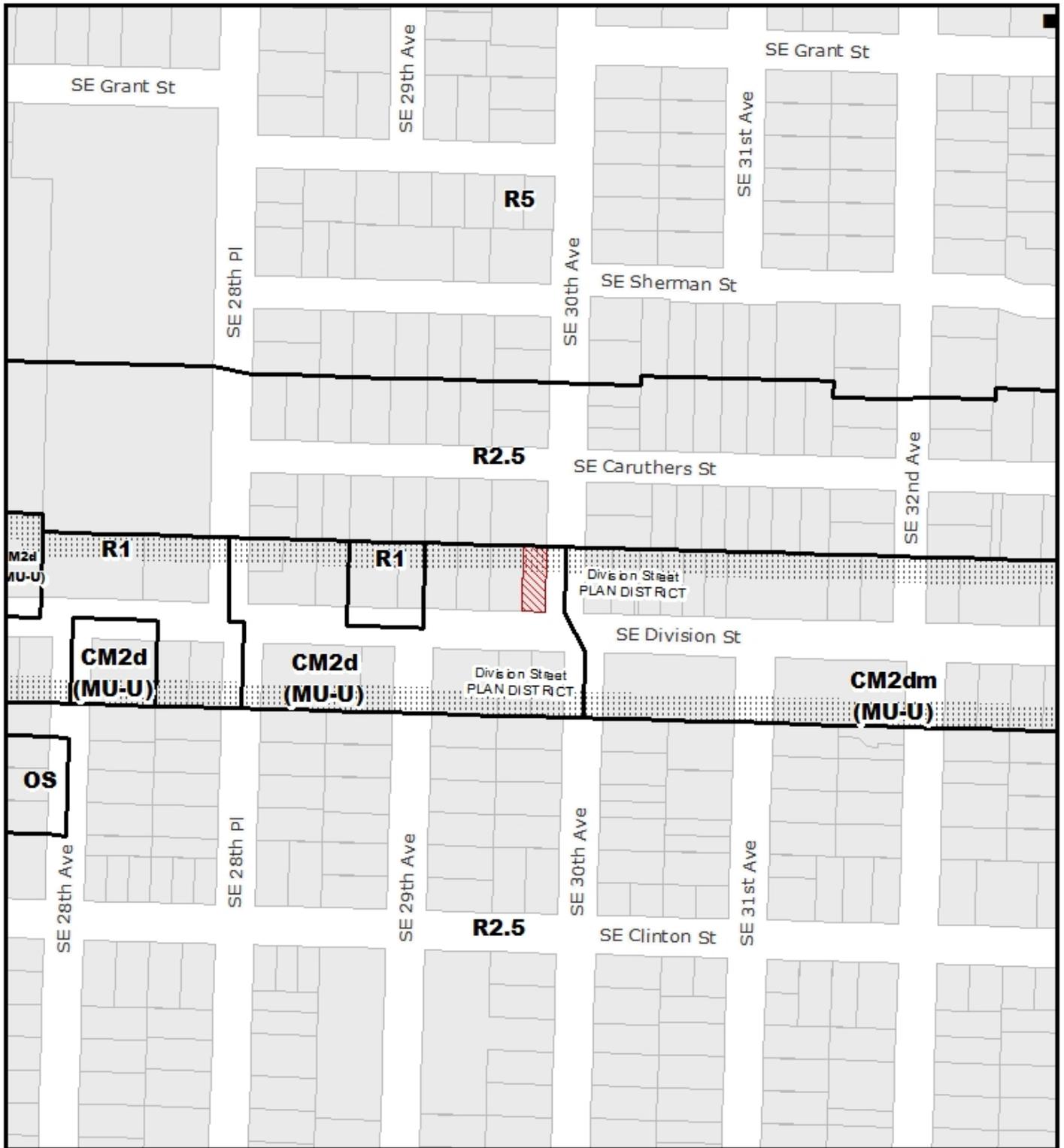
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
  - 1. Original Project Description & Response to Approval Criteria
  - 2. Original Drawing Set
  - 3. Revised Project Description/ Narrative, Rec'd September 13, 2019
  - 4. Revised Drawing Set, Rec'd September 13, 2019 – Not Approved/ For Reference Only
  - 5. Revised Appendix, Rec'd September 13, 2019
  - 6. Additional Appendix Sheets, Rec'd September 13, 2019
  - 7. Digital Revised Sheets, Rec'd October 15, 2019
  - 8. Digital Revised Sheets of new design, Rec'd October 28, 2019
  - 9. Revised Project Description/ Narrative, Rec'd November 19, 2019
  - 10. Revised Drawing Set, Rec'd November 19, 2019
  - 11. Revised Appendix, Rec'd November 19, 2019
  - 12. Digital copy Preliminary Stormwater Report, Rec'd December 20, 2019
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Floor Plan – Ground Floor (attached)
  - 3. Floor Plan – Second and Third Floors
  - 4. Floor Plan – Fourth Floor
  - 5. Floor Plan – Roof Plan
  - 6. Elevations – South Elevation/ SE Division (attached)
  - 7. Elevations – East Elevation/ SE 30th (attached)
  - 8. Elevations – North Elevation (attached)
  - 9. Elevations – West Elevation (attached)
  - 10. Building Section – East/West
  - 11. Building Section – North/South
  - 12. Sight Line for Rooftop Mechanical
  - 13. Details – Canopy at Storefront and Louver
  - 14. Details – Storefront Base & Storefront Door Head and Sill
  - 15. Details – Cembrit Solid Fiber Cement Panel Soffit
  - 16. Details – Aluminum Framed Storefront Jamb & Architectural Louver Jamb
  - 17. Details – Canopy at Concrete Wall
  - 18. Details – Base at Board-Formed CIP Concrete Wall & AC port at CIP Concrete Wall
  - 19. Details – Exterior Concrete Wall at Property Line
  - 20. Details – Vinyl Sliding Door Threshold & Door Head
  - 21. Details – Architectural Louver Head & Top of Concrete Wall
  - 22. Details – Cembrit Solid Fiber Cement Panel Coping
  - 23. Details – Cembrit Solid Fiber Cement Panel - Window Head & Sill at Recessed FCP
  - 24. Details – Cembrit Solid Fiber Cement Panel - Window Head & Sill at Deep FCP Assembly
  - 25. Details – Cembrit Solid Fiber Cement Panel - Window Jamb at Recessed FCP & AC Port
  - 26. Details – Cembrit Solid Fiber Cement Panel – Outside Corner & Vertical Joint
  - 27. Details – Balcony
  - 28. Details – Gate
  - 29. Details – Terrace Guardrail
  - 30. Details – Green Screen Trellis
  - 31. Material Schedule
  - 32. Landscape Plan – Ground Level
  - 33. Plants
  - 34. Landscape Plan – Level 4
  - 35. Level 4 Plants
  - 36. Landscape Plan – Level 5
  - 37. Ground Floor Lighting Plan
  - 38. Site Utility Plan
  - 39. Specifications – Board-Formed Concrete
  - 40. Specifications – Cembrit Solid Fiber Cement Panel
  - 41. Specifications – Louvers

42. Specifications – Vinyl Windows
  43. Specifications – Aluminum Framed Storefront
  44. Specifications – Aluminum Framed Door
  45. Specifications – Glazing
  46. Specifications – Light Fixture
  47. Specifications – Light Fixture
  48. Specifications – Light Fixture
  49. Specifications – Rooftop Mechanical – RTU-1
  50. Specifications – Rooftop Mechanical – FC-1
  51. Specifications – Rooftop Mechanical – Gas Fire Pit and HP-1
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
    - a. Original response; and
    - b. Addendum
  2. Bureau of Transportation Engineering
  3. Water Bureau
  4. Fire Bureau
  5. Life Safety Division of BDS
  6. Site Development Section of BDS
- F. Correspondence:
1. Chris Eykamp, on December 12, 2019, wrote in in opposition of the proposed Modifications.
  2. Doug Klotz, on December 15, 2019, wrote in in support of the proposal and the requested modification(s).
  3. Jon Adams, on December 17, 2019, wrote in in opposition of the proposed Modifications.
- G. Other:
1. Updated & Original LU Application
  2. EA Summary Memo
  3. Incomplete Letter, July 2, 2018
  4. Staff Memo, July 29, 2018
  5. Email Correspondence between staff and the applicant

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING

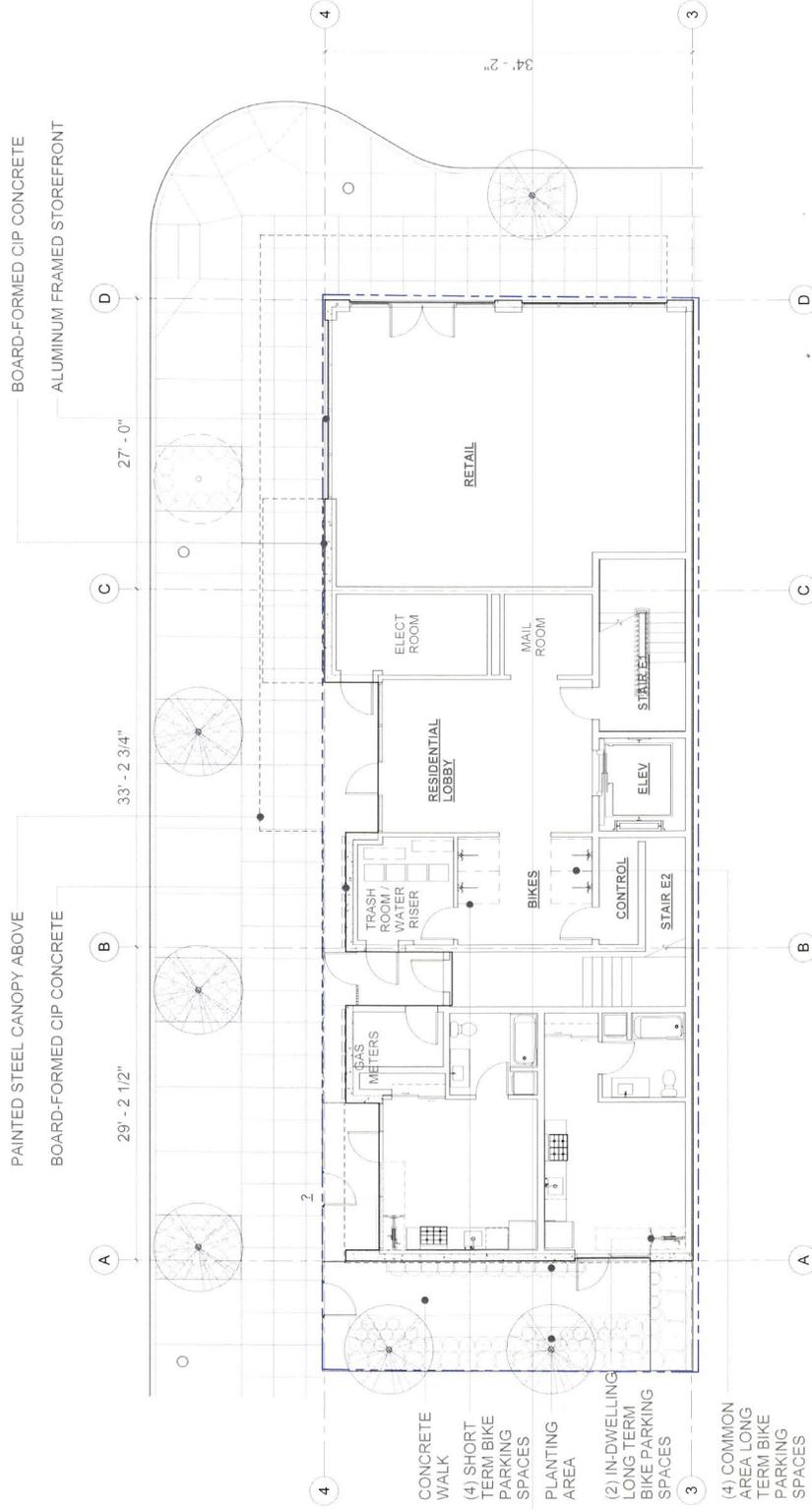
 NORTH

THIS SITE LIES WITHIN THE:  
DIVISION STREET PLAN DISTRICT

-  Site
-  Historic Landmark

File No.	LU 19-182453 DZM
1/4 Section	3233
Scale	1 inch = 200 feet
State ID	1S1E01CD 9500
Exhibit	B Jun 25, 2019





\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner [Signature] Date 1/22/20  
 \* This approval is only valid for the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

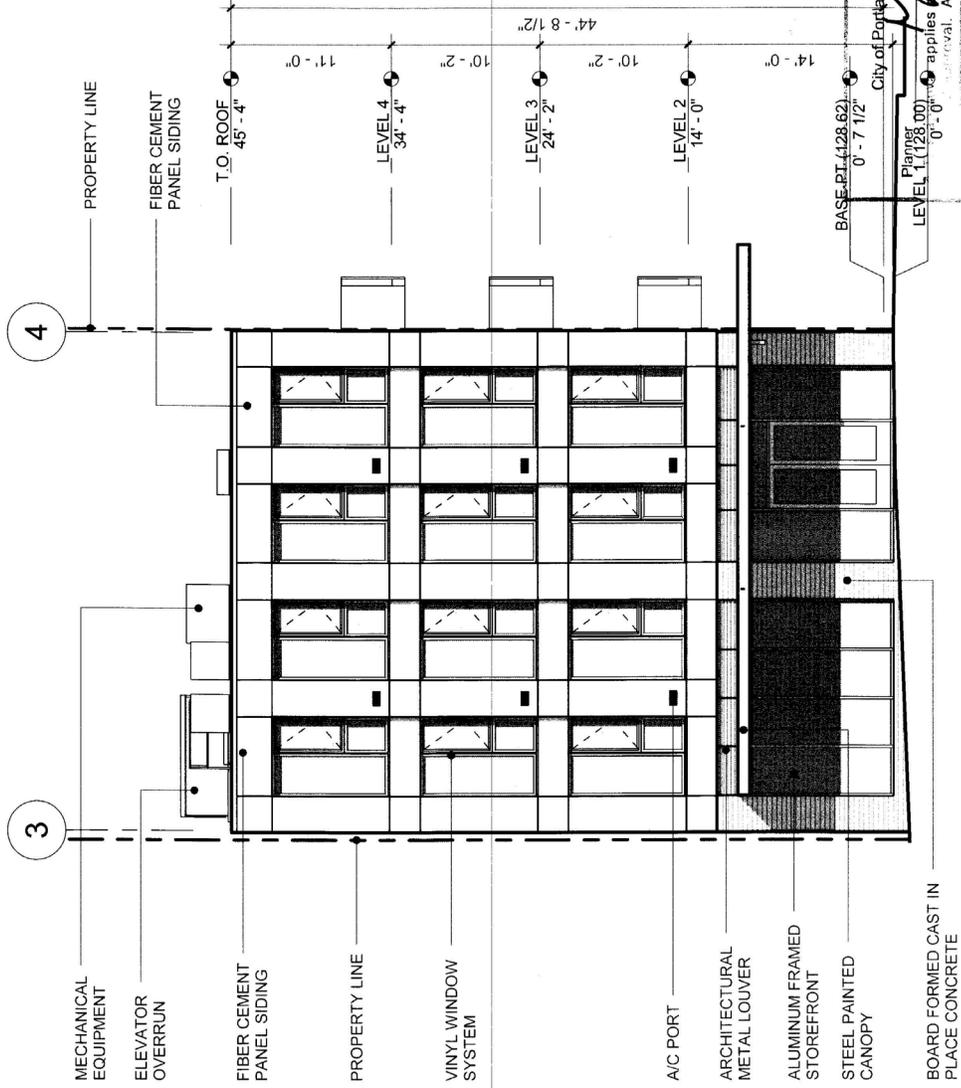
PLANS  
 SCALE 3/32" = 1'-0"

GROUND FLOOR

TYPE II DESIGN REVIEW SUBMITTAL

2933 SE DIVISION ST  
 LU 19-182453 DZM

C.2



City of Portland - Bureau of Development Services  
 Approved\*  
 Date 1/22/20  
 Planning  
 LEVEL 1 (128.00)  
 0'-0" applies only to the reviews requested and is subject to 411 approval. Additional zoning requirements may apply.

C.6

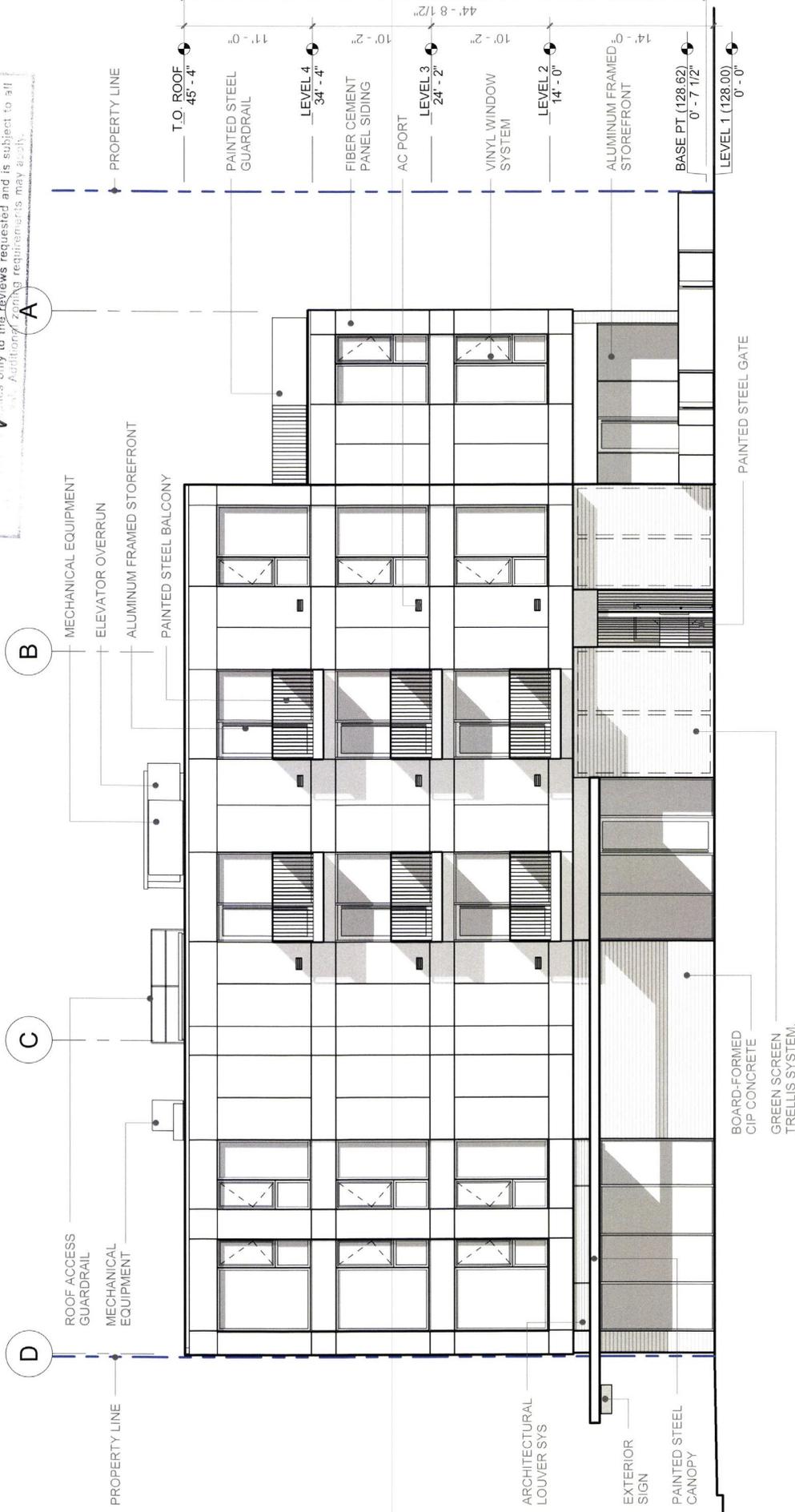
2933 SE DIVISION ST  
 LU 19-182453 DZM

TYPE II DESIGN REVIEW SUBMITTAL

SE DIVISION ST ELEVATION

BUILDING ELEVATIONS  
 SCALE: 3/32" = 1'-0"

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner: *[Signature]* Date: **1/22/20**  
 This drawing is for informational purposes only to the reviews requested and is subject to all applicable zoning requirements and may vary.



C.7

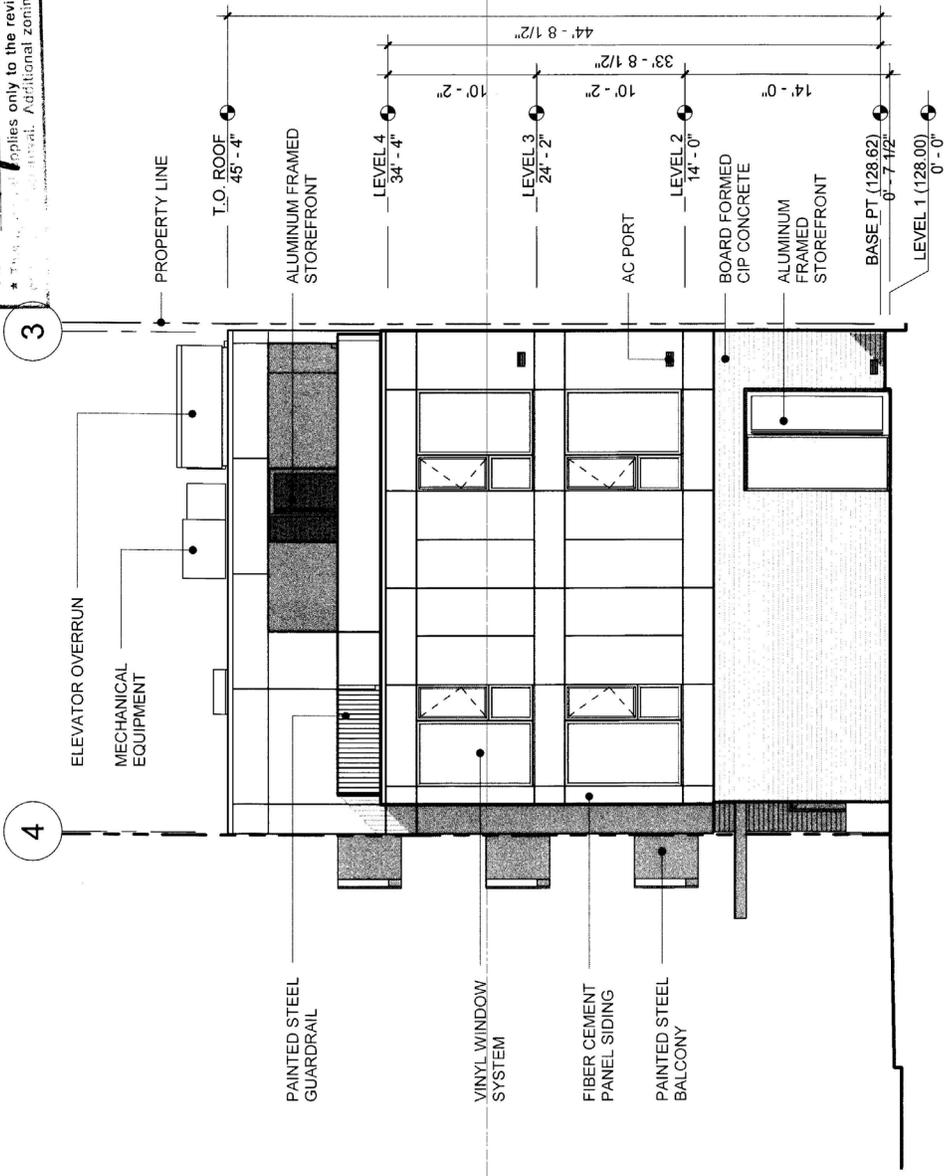
TYPE II DESIGN REVIEW SUBMITTAL  
 2933 SE DIVISION ST  
 LU 19-182453 DZM

**SE 30TH / EAST**

BUILDING ELEVATIONS  
 SCALE: 3/32" = 1'-0"

City of Portland - Bureau of Development Services  
 Planner *MP* Date *1/22/20*  
 \* This drawing is subject to review and is subject to all applicable codes and regulations. Additional zoning requirements may apply.

WILLIAM / KAVEN



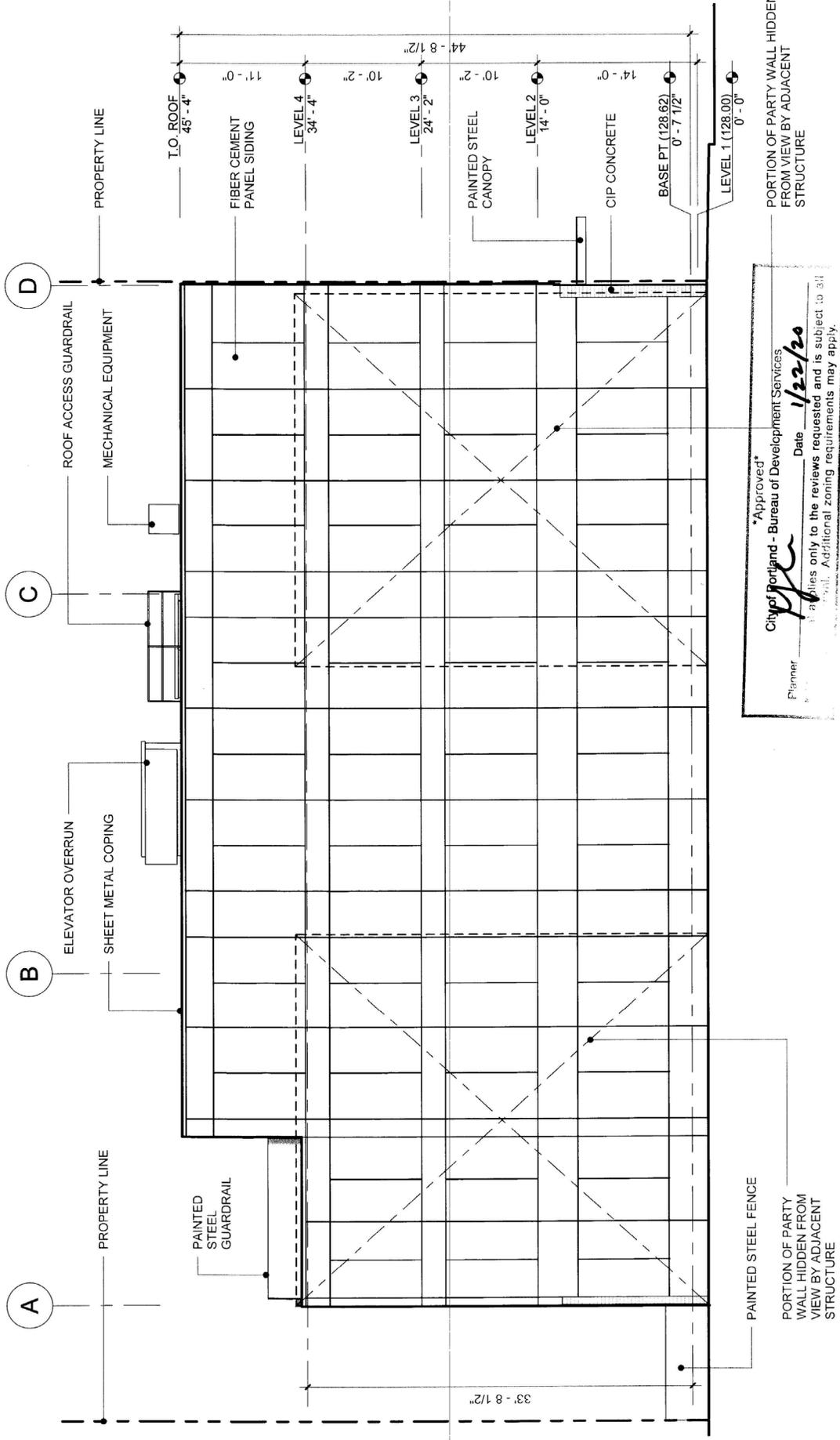
C 18

2933 SE DIVISION ST  
 LU 19-182453 DZM

TYPE II DESIGN REVIEW SUBMITTAL

NORTH ELEVATION

BUILDING ELEVATIONS  
 SCALE: 3/32" = 1'-0"



WEST ELEVATION

2933 SE DIVISION ST  
LU 19-182453 DZM

TYPE II DESIGN REVIEW SUBMITTAL

SCALE: 3/32" = 1'-0"

BUILDING ELEVATIONS

C.9